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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/800,513 | 03/15/2004 | Narendar Shankar | TI-36947 (1962-10100) | 9460 |
| 23494 | 7590 | 12/01/2005 | EXAMINER | |
| TEXAS INSTRUMENTS INCORPORATED | | | TRAN, CONGVAN | |
| P O BOX 655474, M/S 3999 | | | ART UNIT | |
| DALLAS, TX 75265 | | | PAPER NUMBER | |

2688

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/800,513 | Applicant(s) SHANKAR ET AL. | |
| | Examiner CongVan Tran | Art Unit 2688 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/15/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al. (6,920,555).

Regarding claims 1, 3-6, 8-11, Peters discloses a method for deploying an image into other partition on a computer system using an image tool, method comprising: downloading a boot image onto a mobile communication device (see fig, 1, element 100, col.1, lines 1-19, col.4, lines 18-31 and its description); generating a device-bound certificate ("DBC"), said DBC comprising an authentication code generated using a hashed message authentication code algorithm and a key specific to said device (see fig, 1, element 100, col.13, lines 21-36 and its description); and storing the DBC in the boot image (see fig, 1, elements 100, 112, col.4, lines 18-31, col.13, lines 21-36 and its description).

3. Claims 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tone et al. (6,640,306).

Regarding claims 26-30, Tone discloses mobile terminal, downloaded software update with downloaded code using ROM code, comprising a flash memory (see fig.1, elements 1, fig.7, element 1, 28 and its description); a boot image bound to said flash memory using an authentication code generated by way of a hashed message authentication code algorithm and a key specific to said device (see fig.1, fig.7, col.7, line 49-col.8, line 12, and its description); and an OMAP processor comprising a ROM code and coupled to the flash memory, said ROM code adapted to verify the authenticity and integrity of said authentication code (see fig.1, elements 1, fig.7, element 1, 28 , element 27 and its description).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7, and 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al. (6,920,555) in view of Herle et al. (2004/0261073).

Regarding claims 2, 12-17, 20, 22-25, Peters discloses all the subject matters, except for using an Open Multimedia Applications Platform ("OMAP") read-only memory ("ROM") code. However, Herle discloses mobile phone 111, downloaded software update with downloaded code using ROM code (see fig.2, elements 11, 270, fig.3, element 310 and its description). Thus, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to use Herle's ROM code in Peters' invention in order to provide the using of device for a secure execution reasons.

Regarding claims 7, 18-19, 21, the Examiner takes Official notice that these features storing device-specific information comprises storing an International Mobile Equipment Identifier number is notoriously well known in the art in telecommunication devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2688

Nov. 21, 2005.